

**17 APRIL 1995**



**Law**

**LEGISLATIVE INITIATIVES PROGRAM**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements AFMCPD 51-1, Legislative Initiatives Program. It provides the procedures for proposing changes to Federal law to improve AFMC's ability to accomplish its mission. This instruction does not apply to the Air National Guard or US Air Force Reserve units and members.

**1. Process Initiation.** Twice yearly, by 31 January and 31 July of each year, AFMC/JA requests proposals for legislative initiatives from HQ AFMC staff offices and AFMC field legal offices (see attachment 1). The deadline for receipt of their proposals is 1 March and 1 September respectively.

**2. The Process.**

2.1. After receiving the proposals, AFMC/JA coordinates a review by the AFMC staff. The AFMC staff applies a four-part test:

- Is a change in Federal law required?
- Does the proposal appear to have merit?
- Is the proposal likely to receive support at Air Staff, the Air Force Secretariat, Office of the Secretary of Defense (OSD), and Congress?
- Does the proposal duplicate a proposal already submitted? The suspense for this action is 1 May and 1 November?

2.2. The AFMC staff selects three to five of the most promising proposals for further processing. AFMC/JA puts these proposals in proper form for submission to the Air Force Secretariat. A sample of the correct form is in **attachment 2**. The suspense for this action is 1 June and 1 December.

2.3. AFMC/JA prepares a staff summary sheet for coordination by HQ AFMC staff, attaching all proposals received and asking for final agreement that of the proposals received, those selected are the

proposals AFMC should sponsor for enactment into law. Suspense to complete this coordination process is 1 July and 1 January.

2.4. After receiving coordination, AFMC/JA prepares a second staff summary sheet reflecting staff coordination and asking for AFMC/CC approval. Only the legislative initiatives recommended for further processing are attached. Letters from AFMC/CC to the appropriate Secretariat office and an executive summary of the legislative proposals are added. Initiatives affecting acquisition are submitted to SAF/AQ. All others are submitted to the appropriate Secretariat office with a copy to SAF/MI. A sample is in **attachment 3**.

2.5. AFMC/JA tracks progression of the proposal through the Air Force Secretariat, OSD, and Congress unless the AFMC office originally submitting the proposal elects to conduct the tracking.

2.6. For each legislative proposal submitted to the Air Force Secretariat, a summary is prepared by AFMC/JA describing the initiative. The summary is updated quarterly to track progress of the initiative through the Secretariat, OSD, and Congress. The summary also identifies, by name, the office sponsoring or responsible for the initiative at AFMC, the Air Force Secretariat, OSD, and Congress. A sample is in **attachment 4**.

2.7. A metric is used to monitor, on a quarterly basis, the number of initiatives submitted to the Air Force Secretariat, approved by the Secretariat, approved by OSD, and enacted into law by Congress. A sample is in **attachment 5**.

2.8. For each legislative initiative proposal which does not get selected to be forwarded, AFMC/JA will send to the submitting organization a brief explanation (based upon the screening performed under paragraphs **2.1** and **2.2**) of why the initiative was not selected for forwarding. AFMC/JA will also ensure that each AFMC field legal office is provided a copy of the final submission packages forwarded by AFMC/CC to the Air Force Secretariat pursuant to paragraph **2.4** and a copy of each proposal summary prepared in accordance with paragraph **2.6**. The field legal offices will then make appropriate distribution within their respective field organizations.

JAMES C. ROAN, JR., Brig Gen, USAF  
Staff Judge Advocate

**Attachment 1**

**(SAMPLE) LETTER/REQUEST FOR PROPOSALS**

MEMORANDUM FOR SEE DISTRIBUTION

FROM: HQ AFMC/JA

SUBJECT: Legislative Initiatives, 94-1

As part of this command's continuing legislative initiatives program, I solicit your recommendations for changes in Federal law this command should sponsor in the [(first) (second)] half of [state year]. At this stage, all we need is a brief description of the proposed change, current statutes affected, and justification for the change. The AFMC staff will review all proposals to select those to nominate to AFMC/CC to for-ward to the Air Force Secretariat. Our legislative initiatives program has proven successful. Of [number] submitted since 1988, [number] have been enacted into law. This success is due to the support of the AFMC staff and field commands. Please submit your proposals by [date]. Our point of contact is [name and phone].

[NAME]

Brigadier General, USAF

Staff Judge Advocate

**Attachment 2**  
**(SAMPLE) PROPOSAL**

**EXCHANGE TRAINING FOR TEST PILOT SCHOOLS**

**SUMMARY OF CURRENT LEGISLATION:**

22 U.S.C. 2347-2347c, part V-International Military Education and Training, of the Foreign Assistance Act of 1961, as amended, authorizes the President to provide military education and training to military and related civilian personnel of foreign countries. The training and education may be provided through attendance at military educational and training facilities in the United States and abroad; attendance in special courses of instruction at schools and institutions of learning or research in the United States or abroad; and by observation and orientation visits in the United States and abroad.

22 U.S.C. 2347c provides that the attendance of foreign military personnel at United States professional military education institutions may be without cost if the attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis between the United States military institution and comparable institutions of foreign countries.

**PROBLEM WITH CURRENT LEGISLATION:**

The existing statutes address the attendance of foreign military personnel at United States professional military education institutions, such as the service war colleges. If a foreign government has a like or similar institution, then reciprocity on a one-for-one basis is permitted without cost to either government. However, the law presently does not make any provision for exchange of students for test pilot schools. The reciprocal exchanges, therefore, must be treated as a foreign military sales (FMS) case, in each instance, with the requirement for funding by both participating countries.

The USAF Test Pilot School (USAFTPS) exchanges students with the Empire Test Pilot School (UK) and the Ecole du Personnel Navigant d'Essais et de Reception (EPNER, France). The exchanges began in 1948 with the UK, and in 1970 with France. In 1980, the exchange procedures were regularized somewhat, and have continued since on a triennial basis. However, each one is negotiated separately as an FMS case, and the funding arrangements are burdensome and a source of continuing problems for all of the parties. Fluctuating exchange rates and pricing of the courses of instruction result in significant disparities in the amounts charged for each student, though the course work is similar.

In the United States, Great Britain, and France, the test pilot schools are attached to each country's principal flight test center, and are uniformly funded as an overhead expense. The FMS case funding does not flow back to the test centers, notwithstanding the fact that the funding to pay for course fees at another test pilot school comes directly from each country's flight test center budget. Since the course of instruction at

each country's test pilot school is similar, and each participating country receives in the end a highly trained flight test crew member, the current arrangement does not make good business sense.

The British and French have expressed a desire to establish a more reasonable system, based upon a reciprocal, direct exchange of flight crew members for test pilot training. Air Force Materiel Command which operates the test pilot training concurs.

#### **DESCRIPTION OF PROPOSED CHANGE:**

An Amendment to the 22 U.S.C. 2347 and 2347c to specifically permit the reciprocal, no-cost exchange of flight crew members between each country's respective flight test schools is proposed. The exchange would then be on the same basis as is now permitted under the authority of 22 U.S.C. 2347c for professional military education students. The proposed Amendments are merely additions to the existing statutes to include specifically flight test schools.

#### **JUSTIFICATION:**

The proposed legislation for the authorization of exchange students would create a needed statutory framework for an existing program of proven merit. It would serve to make simple that which is needlessly burdensome and complex. The test pilot exchange program would be administered within the same framework as other officer exchange programs.

The course of study offered by the participating country's flight test centers are all similar and all have an "education" focus, rather than one of pure training. The Empire School, EPNER, and AFFTC each have a strong academic content, with emphasis on project management and independent evaluation. The courses all have a rigorous reports program. The similarity of the flight test student programs to professional military education presents a strong argument for similar program administration and participation criteria. Further, the British and French National Flight Test Centers are prepared to begin this reciprocal, without cost exchange, upon the passage of this legislation.

#### **A BILL**

To amend [Identify Code Section, Chapter, and Title], United States Code by adding [new section or language] [summary of change].

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that:

[Identify Chapter, Title and Section], United States Code, be amended by [new section or language]:

[New legislation]

## **SECTION BY SECTION ANALYSIS**

The proposed amendment to Section 2347 of Title 31 establishes the general authority of the President to authorize the training of foreign nationals at US. Flight Test Pilot schools.

The proposed amendment to Section 2347c authorizes that the training may be on a reciprocal, without cost basis, through agreement between the United States Flight Test Pilot schools and comparable institutions of foreign countries.

**Attachment 3**  
**(SAMPLE) LETTER**

FROM: AFMC/CC

4375 Chidlaw Road, Suite 1

Wright-Patterson AFB OH 45433-5001

SUBJ: Legislative Initiatives

TO: SAF/MI

1. In the last few years your office has worked to implement a number of our legislative initiatives. Four similar initiatives are submitted for your consideration and are briefly described in the executive summary (attachment 1).
2. We carefully limited this round of initiatives to include high priority items which require legislative relief. [Describe initiatives].
3. Your support of our efforts in this round of initiatives is solicited. Our point of contact for these initiatives is [name, office, phone number]. He/she and all of the AFMC staff are prepared to assist in achieving these initiatives.

[NAME]

General, USAF

Commander

**Attachment 4**

**(SAMPLE) SUMMARY FORMAT**

**[Title of Initiative]**

**DESCRIPTION OF INITIATIVE:**

**US. CODE SECTIONS AFFECTED:**

**AFMC OPR:**

**DATE SUBMITTED TO AF SECRETARIAT:**

**AF SECRETARIAT OPR:**

**SECRETARIAT ACTION:**

**DATE SUBMITTED TO OSD:**

**OSD OPR:**

**OSD ACTION:**

**DATE SUBMITTED TO CONGRESS:**

**CONGRESSIONAL COMMITTEE AND POINT OF CONTACT:**

**CONGRESSIONAL ACTION:**

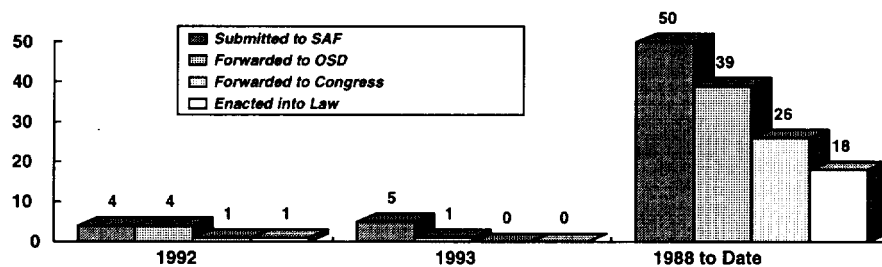
**OTHER:**

Initiative [number]



Attachment 5  
SAMPLE METRIC

## Legislative Initiatives



### 1993 Submissions

- Allow Govt-provided Duty-to-Domicile Travel
- Allow Govt-provided transportation subsidy
- Change interest due date in CDA
- Allow Defense Agencies to have jurisdiction over real property
- Allow 10% TSP contributions for FERS participants

### Current Round

- 27 Candidate Initiatives submitted
- Four submitted by AFMC/CC
  - Exempt NPL sites from RCRA
  - Allow guarantee of util co capital investment recovery to encourage financing of energy saving equip
  - Allow reciprocal test pilot school exchanges without FMS case
  - Allow use of CRDA income to reward employees who concepts orig the income (elim patent-only restr)